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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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Applicant	World Trade Centers Association, Inc.
Applied for Mark	WTC
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Trademark Applications of)	William G. Breckenfeld, Esq.
World Trade Centers Association, Inc.)	Trademark Attorney
)	
Serial Nos.: 85/527,029 (WTC, Cl. 9))	Trademark Law Office 116
85/527,119 (WTC, Cl. 14))	
85/473,617 (WTC, Cl. 16))	
85/473,613 (WTC, Cl. 18))	
85/527,008 (WORLD TRADE CENTER, Cl. 9))	
85/527,100 (WORLD TRADE CENTER, Cl. 14))	
85/474,746 (WORLD TRADE CENTER, Cl. 16))	
85/474,748 (WORLD TRADE CENTER, Cl. 18))	

APPLICANT’S APPEAL BRIEF

I. INTRODUCTION

Applicant World Trade Centers Association, Inc. (“WTCA” or “Applicant”) filed the above-listed applications to register the marks WTC and WORLD TRADE CENTER for various goods in International Classes 9, 14, 16 and 18.¹ Each of the applications was refused registration on the basis that the marks do not function as trademarks under Trademark Act Sections 1, 2 and 45, 15 U.S.C. §§ 1051-1052, 1127 because the applied-for marks call to mind only the terrorist events of September 11, 2001. Applicant submitted evidence in support of registration, but the Examining Attorney maintained the refusal stating that “widespread use of these terms in reference to September 11, 2001 ha[d] rendered the [applied-for marks] inseparable from the terrorist acts of that day.” The Examining Attorney denied Applicant’s request for reconsideration, and the applications were consolidated for appeal. Applicant submits that the Examining Attorney has failed to provide a sufficient legal and factual basis for his refusal, including by failing to review the substantial evidence of acquired distinctiveness submitted in support of registration and failing to analyze the registrability of Applicant’s proposed marks in the context of the goods for which registration is sought. Applicant further submits that the substantial evidence of distinctiveness and secondary meaning it has submitted, including, *inter alia*, (i) Applicant’s

¹ Application Nos. 85/473,617 and 85/473,613 were filed on November 15, 2011; Application Nos. 85/474,746 and 85/474,748 were filed on November 16, 2011; and Application Nos. 85/527,029,

longstanding registrations for the same marks for services that are related to and will be offered in connection with the applied-for goods, (ii) third party recognition in the form of unsolicited press, successful enforcement efforts, and awards, (iii) customer affidavits testifying to the recognition of the terms as trademarks, and (iv) significant sales and advertising figures, clearly demonstrates that WORLD TRADE CENTER and WTC function as trademarks, and therefore, are capable of functioning as trademarks for the applied-for goods.

II. LEGAL ARGUMENT

A. Standard Of Review

In the ex parte prosecution of an application to register a mark, the Examining Attorney bears the burden of presenting sufficient evidence to support his refusal. *The PaperClip Club, LLC*, 2010 WL 985345, *4 (T.T.A.B. 2010) (reversing refusal to register noting that “[m]ere argument and conclusory assertions do not suffice”); *In re Consulting Services International Inc.*, 2003 WL 22321035, *2 (T.T.A.B. 2003) (reversing refusal for lack of evidence). Additionally, the Examining Attorney has refused registration under Sections 1, 2, and 45 of the Trademark Act, and the Board has held that these types of refusals must be supported by clear and convincing evidence. See *In re Country Music Ass’n*, 100 USPQ2d 1824, 1827 (T.T.A.B. 2011); TMEP § 1209.01(c)(i). Moreover, “any doubts must be resolved in applicant’s favor.” *In re Country Music Ass’n*, 100 USPQ2d at 1827; *In re International Taste Inc.*, 53 USPQ2d 1604, 1606 (T.T.A.B. 2000) (“[t]o the extent that there is any doubt as to the primary significance of the term ‘HOLLYWOOD,’ we resolve doubt in favor of the applicant”); *In re United Distillers plc*, 56 USPQ2d 1220,1222 (T.T.A.B. 2000) (primary significance of mark to public would not be a surname and any doubt resolved in favor of applicant).

B. The Examining Attorney’s Refusal Lacks A Legal Basis

1. The Examining Attorney Has Not Provided A Legally Recognizable Basis For His Failure to Function Refusal

The Examining Attorney has not provided any legal support for his conclusory assertion that

85/527,119, 85/527,008 and 85/527,100 were filed on January 27, 2012.

Applicant's marks do not function as trademarks because they are inseparable from the tragic events of September 11. Indeed, the Examining Attorney has not cited a single case where a trademark was denied registration because of any connection to a historical event or tragedy. Instead the Examining Attorney relies solely on cases involving other types of failure to function refusals. However, all of these cases are distinguishable because the basis for the failure to function as a mark in those cases is absent here.

Whether a term fails to function as a trademark cannot be decided in the abstract as was done by the Examining Attorney in the instant case. Rather, the trademark must be considered in relation to the goods and/or services for which registration is sought. For example, a mark only becomes generic "if it refers to the class or category of goods and/or services on or in connection with which it is used." *In re Country Music Ass'n*, 100 USPQ2d at 1827. Accordingly, the Examining Attorney's reliance on evidence that the word "escalator" lost its proprietary status because it had become "a common descriptive term for moving stairways" or that the term "dry ice" went from a registered mark to being listed as a type of good in the USPTO Acceptable Identification of Goods and Services Manual² is inapposite because the Examining Attorney has not established that WORLD TRADE CENTER or WTC refer to or are being used as the name of the Class 9, 14, 16 or 18 goods applied for by Applicant. The Board has reversed failure to function refusals when the examiner did not consider the applied-for mark in the context of the goods or services for which registration was sought. *See In re Saradha Terry Products Limited*, 2005 WL 2295189, *7 (T.T.A.B. 2005) (reversing failure to function refusal where Examining Attorney did not establish that "relevant purchasing public would perceive the phrase MICRO COTTON as the name of the fabric used to make applicant's various clothing and other textile items"); *In re American Fertility Society*, 188 F.3d 1341, 1347, 51 USPQ2d 1832, 1836 (Fed Cir. 1999) (PTO failed to carry its burden where it "produced no evidence at all of the public's understanding of the phrase as it related to the Society's services").

² Application No. 85/473,613, 9/6/2012 Office Action, TSDR pp. 1, 54-59. For ease of reference, and since the application records are substantially identical, all citations to the office actions, and the evidence submitted by the Examining Attorney and Applicant will be to the record in Application No. 85/473,613.

Additionally, Applicant's WORLD TRADE CENTER and WTC marks are intrinsically different from the general information or public service advertising slogans that were at issue in the informational matter cases cited by the Examining Attorney. See *In re Remington Prods., Inc.*, 3 USPQ2d 1714, 1715 (T.T.A.B. 1987) (PROUDLY MADE IN USA held to be an unregistrable information slogan that conveys only locale of manufacture and state of mind of the manufacturer); *In re Manco, Inc.*, 24 USPQ2d 1938, 1942 (T.T.A.B. 1992) (term THINK GREEN held an unregistrable informational slogan conveying environmental/ecological concerns). Applicant's marks do not convey any informational matter about the applied-for goods in the applications beyond indicating the source of the goods.

2. Non-Commercial Uses Do Not Prevent Trademark Significance

Applicant has demonstrated that non-commercial use unrelated to the goods or services offered by Applicant has no bearing on the ability of Applicant's marks to function as a trademark. For example, in *UMG Recordings, Inc. v. Mattel, Inc.*, 100 USPQ2d 1868, 1889 (T.T.A.B. 2011) the Board found that "use by the media and most others of MOTOWN to refer to Detroit is non-commercial use and, as such, does not affect the distinctiveness of the mark." Similarly in *Lucasfilm Ltd. v. High Frontier*, 622 F. Supp. 931, 227 USPQ 967, 969-70 (D.D.C. 1985), the Court held that use by third parties of the term "Star Wars" "in political propaganda, newspapers or noncommercial, non-trade references will not undermine plaintiff's exclusive property right to use [it[s] mark STAR WARS] in connection with goods and services...Continued non-trade, noncommercial use cannot take the mark away from plaintiff." See also *In re International Taste*, 53 USPQ2d at 1605 (due to "other prominent, significant meaning of the term 'Hollywood' as referring to the entertainment industry in general" Board found that the "Examining Attorney has not established the *primary* significance of term 'Hollywood' is that of a geographic location in California").

The Board has also recognized that the fact that a trademark may have a connection to a historical event does not prevent the trademark from functioning as a mark. See *National Aeronautics and Space Admin. v. Record Chemical Co., Inc.*, 185 USPQ 563 (T.T.A.B. 1975) (denying NASA's opposition

against the mark APOLLO 8 as it was unlikely that consumers would believe NASA was source of applicant's products, notwithstanding the historical flight); *Jacobs v. International Multifoods Corp.*, 211 USPQ 165, 171 (T.T.A.B. 1981) (denying counterclaim to cancel BOSTON TEA PARTY mark as applicant offered nothing more than "rhetoric" about historical event in support of claim and "unlikely that the average purchaser would be gullible enough to believe, by virtue of the mark...that this is the same tea as that dumped into the Boston harbor"); *Cold War Museum, Inc. v. Cold War Air Museum*, 588 F.3d 1352, 1358-59, 92 USPQ2d 1626, 1629-30 (Fed. Cir. 2009) (denying petition to cancel THE COLD WAR MUSEUM mark where petitioner did not establish lack of acquired distinctiveness). Even the PEARL HARBOR example cited by the Examining Attorney is negated by evidence demonstrating that registrations issued for the mark PEARL HARBOR in connection with t-shirts, cigarettes, and fireworks, despite and subsequent to the tragic events of that day. (3/14/2013 Request for Reconsideration, Ex. 9.)

Further, the Examining Attorney's refusal ignores a basic tenet of trademark law that a term can have both a trademark significance and a common meaning, and that *context* controls the meaning of a term. *See McCarthy* § 11:71 ("the word 'apple' would be arbitrary when used on personal computers, suggestive when used in 'Apple-A-Day' on vitamin tablets, descriptive when used in 'Tomapple' for combination tomato-apple juice and generic when used on apples"); *see also In re Grandma Moses Properties, Inc.*, 117 USPQ 366 (Com'r Pats 1958) (GRANDMA MOSES functions as a trademark and is registrable for framed print fabrics which are not made or designed by the artist of the same name). Here, the Examining Attorney has not submitted any evidence showing how Applicant's proposed marks would be perceived by the public in the context of the applied-for goods. *See In re Future Ads, LLC*, 102 USPQ2d 1571, 1573-74 (T.T.A.B. 2012) (reversing descriptiveness refusal where Examining Attorney had not submitted evidence showing the term "used or referenced in connection with services of the type identified in applicant's application"). However, it is clear from Applicant's evidence that when the marks WORLD TRADE CENTER and WTC are considered in the context of the applied-for goods in Classes 9, 14, 16 and 18 such as magnets, jewelry, publications and bags, the proposed marks identify

Applicant as the source of origin. Accordingly, the marks WORLD TRADE CENTER and WTC first and foremost function as trademarks when used on goods emanating from Applicant. Separately, and in a non-commercial manner, “World Trade Center” and “WTC” are also used and understood as the name associated with many iconic buildings around the world and, in a historical sense, these words are used when discussing the buildings and/or location in New York City where one of the September 11 events occurred. As the foregoing case law establishes, neither the non-commercial use nor the historical use has any bearing on the ability of the applied-for marks to function as trademarks for the applied-for goods.

Moreover, the way in which Board decisions have utilized the phrase “World Trade Center” demonstrates that “World Trade Center” has a significance separate and apart from the terrorist attacks occurring on September 11, 2001. *See Capital Project Management, Inc. v. IMDISI, Inc.*, 70 U.S.P.Q.2d 1172, 1174 (T.T.A.B. 2003) (expert “involved in construction schedule analyses of projects such as the World Trade Center and the Apollo moon program”); *In re The Port Authority of New York*, 3 USPQ2d 1453, 1455 (T.T.A.B. 1987) (services provided by applicant from its facility at the World Trade Center in New York).

C. The Examining Attorney’s Evidence Does Not Establish That Applicant’s Marks Do Not Function As Trademarks

The Examining Attorney acknowledges in his refusals that in order to establish that WORLD TRADE CENTER and WTC do not function as trademarks, he must establish that the proposed marks call to mind *only* the terrorist events of September 11, 2001, and accordingly the proposed marks do not serve as source identifiers. (2/10/2012 Office Action.) However, the Examining Attorney’s own evidence demonstrates that he has not met this standard, and that his refusal also lacks a factual basis, as the few dictionary definitions and internet articles either show use as a trademark or a significance other than the September 11 attacks. *See In re International Taste*, 53 USPQ2d at 1605 (reversing refusal where “record does not establish that to the purchasing public the primary connotation of the term ‘Hollywood’ is the particular California town and not the general entertainment industry”). Accordingly, the Examining Attorney has not met his burden of supporting his refusal with evidence.

1. Dictionary Definitions

The two definitions cited by the Examining Attorney in the first office action cannot be deemed evidence to support the Examining Attorney's position. Both have now been corrected, in response to Applicant's notification, to explicitly state that the terms at issue are trademarks. The corrected definitions clearly establish recognition of WORLD TRADE CENTER and WTC as trademarks, and provide a basis for registration:

- World Trade Center: “*trademark* a name licensed by World Trade Centers Association to its members to identify any of a number of iconic buildings worldwide to promote world trade and international business relationships...” (Collins English Dictionary) (03/24/13 Response, Ex. 1, pp. 1, 3) (emphasis in original)
- World Trade Center (WTC): “A trademark for various building complexes around the world that house organizations and businesses supporting international commerce...” (The American Heritage New Dictionary of Cultural Literacy, Third Edition) (*Id.*, Ex. 1, p. 1)

See In re Future Ads, 102 USPQ2d at 1574 (reversing the refusal to register because applicant's dictionary definition showing that the term “arcade” was not merely descriptive of applicant's services negated the basis for refusal). In further recognition of the trademark status of the marks, several other online dictionaries have deleted entries for “World Trade Center” and “WTC” from their dictionaries in response to notifications from Applicant, further demonstrating the ability of the marks to function as trademarks. *Plyboo America, Inc. v. Smith & Fong Co.*, 51 USPQ2d 1633, 1640 (T.T.A.B. 1999) (the fact that the article was “‘corrected,’ at opposer's insistence, to indicate that the term ‘PLYBOO is a trademark...’” was evidence that the term was a trademark).

Additionally, the definitions the Examining Attorney cites in the second office action for “WTC” do not define the marks to mean the terrorist events of September 11, 2001, but rather define it as “twin skyscrapers” where the attacks took place on September 11, 2001, and accordingly are not evidence that “WTC” or “World Trade Center” do not function as trademarks or are “inseparable from” or synonymous with the terrorist attacks occurring on September 11, 2001. *See e.g. In re Sarkli, Ltd.*, 220 USPQ 111, 112-13 (Fed. Cir. 1983) (Board failed to establish prima facie case for denial of registration where dictionary definitions showed that the terms REPECHAGE and SECOND CHANCE merely had a similar

meaning in a “broad sense” but were not equivalent and accordingly likelihood of confusion was not established). When considered in combination, the above referenced definitions and the now corrected definitions in the record actually contradict the Examining Attorney’s refusal that the proposed marks in the subject applications call to mind *only* the terrorist events of September 11, 2011. *Zimmerman v. National Association of Realtors*, 70 USPQ2d 1425, 1430-31 (T.T.A.B. 2004) (accepting respondent’s dictionary definitions showing recognition of the terms at issue as trademarks over petitioner’s entries showing a reference to historical generic use); *In re Mavety Media Group Ltd.*, 31 USPQ2d 1923, 1927-28 (Fed. Cir. 1994) (reversing as unfounded, the refusal to register based only on “personal opinions and dictionary sources” since alternate dictionary definitions in the record were sufficient to form basis for registration); *Anheuser-Busch Inc. v. Holt*, 92 USPQ2d 1101, 1106-07 (T.T.A.B. 2009) (reversing refusal to register where dictionary definitions showed multiple meanings attributed to the proposed mark).

2. Internet Evidence

The Examining Attorney’s website excerpts appear to have been selectively chosen in that the majority of the websites are actually tribute sites to the September 11 events, and accordingly have low probative value as the focus of the sites is to honor the victims of the tragic event and not the goods and services promoted under the marks WORLD TRADE CENTER or WTC. (See 9/6/12 Office Action, TSDR pp. 2-3, 7-28, 36, including excerpts from (i) 9/11 Health page on nyc.gov, (ii) tributewtc.com, (iii) The September 11 Education Trust at wtcfug.com, (iv) 911research.com, (v) wtc911.com, (vi) wtcruntoremember.com, (vii) rememberwtc911.tripod.com, (viii) 9/11 at the World Trade Center Photo Gallery on history.com, and (ix) StoryCorps 9/11 Initiative at storycorps.org). Given that Applicant’s World Trade Center branded buildings in New York were the location of the terrorist attacks, and that all of these sites are tributes to, or discuss the events of September 11, it is obvious that these sites are using “World Trade Center” or “WTC” *to identify the buildings* where the attacks occurred. See, for example, the following:

- epa.gov excerpt: “The US Environmental Protection Agency played a key role in the nation’s response to the September 11, 2001 terrorist attacks *on the World Trade Center* in Lower

Manhattan.” (9/6/2012 Office Action, TSDR pp. 41-42); and

- reuters.com excerpt: “Thousands of people visited the National September 11 memorial *at the site of the World Trade Center*”. (*Id.*, TSDR p. 49.)

Notably, even on these tribute sites, the terms do not appear on their own to identify the terrorist attacks, but are modified by the term/phrase “9/11” or similar language. This evidence demonstrates that “World Trade Center” or “WTC” on their own do not immediately signify the events occurring on September 11. Moreover, even in the Examining Attorney’s selective excerpts, there is evidence that “World Trade Center” and “WTC” have a significance other than the September 11 attacks. (*See* 9/6/2012 Office Action, TSDR p. 31, panynj.gov excerpt featuring a site for visiting the World Trade Center building including links for “Directions,” “Where to Go,” and “History of the WTC” as well as links for events that occurred at the location of the World Trade Center in New York including “Events of 2/26/1993” and “Events of 9/11/2001”); *In re Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 828 F.2d 1567, 1571, 4 USPQ2d 1141, 1143 (Fed. Cir. 1987) (“mixture of usages unearthed by the NEXIS computerized retrieval service does not show by, clear evidence, that the financial community views and uses the term...as a generic, common descriptive term for the brokerage services”). What limited evidence the Examining Attorney’s provides is significantly outweighed by Applicant’s substantial evidence discussed in Section D *infra* demonstrating the trademark significance of its marks.

D. Applicant’s Evidence Establishes That The Applied-For Marks Function As Trademarks

As the Examining Attorney recognizes in his office actions, any “...relevant evidence of record, is reviewed to determine whether an applied-for mark is being used as a trademark.” (9/6/2012 Office Action, TSDR p. 1.) Applicant submitted substantial evidence showing the applied-for marks being used as trademarks. However, in the final office action, when the Examining Attorney made a determination that Applicant’s marks lacked acquired distinctiveness, the only evidence he reviewed and referenced is WTCA’s prior registrations. (9/6/12 Office Action, TSDR p. 1.) The Examining Attorney’s failure to examine all the relevant evidence of record in making a determination of acquired distinctiveness is an

additional basis that his refusal lacks support, and should be reversed. *See also In re Safariland Hunting Corp.*, 24 USPQ2d 1380, 1381 (T.T.A.B. 1992) (in reversing failure to function refusal Board noted that it should consider any evidence that bears “on the question of what impact applicant’s use is likely to have on purchasers and potential purchasers” including “any other material submitted during the prosecution of the application which may reflect an intention to make use of the mark in question in a trademark sense”).

Applicant’s evidence when properly considered in its entirety establishes strong secondary meaning in the marks WORLD TRADE CENTER and WTC for its association services, which the proposed goods will be used in connection therewith. Such a strong showing demonstrates the ability of WORLD TRADE CENTER and WTC to function as trademarks for the related goods. While Applicant submits that the applied-for marks WTC and WORLD TRADE CENTER are inherently distinctive when used in connection with the various Class 9, 14, 16 and 18 goods in its pending applications, in the alternative, Applicant submits that its evidence more than establishes acquired distinctiveness of its marks in connection with the applied-for goods.

As the Federal Circuit has explained “[t]o possess secondary meaning, the term must have become distinctive of the applicant’s goods in commerce” and “[a] mark acquires secondary meaning if customers associate the mark with a particular source.” *The Nautilus Group, Inc. v. Icon Health & Fitness, Inc.*, 372 F.3d 1330, 1340, 71 U.S.P.Q.2d 1173, 1181 (Fed. Cir. 2004). “Secondary meaning can be established through direct consumer testimony; survey evidence; exclusivity, manner, and length of use of a mark; amount and manner of advertising; amount of sales and number of customers; established place in the market; and proof of intentional copying by the defendant.” *The Nautilus Group*, 372 F.3d at 1340 n. 7, 71 U.S.P.Q.2d at 1181 n. 7. Here, the prior registrations, evidence of third party recognition, customer affidavits, robust licensing, and substantial sales and advertising figures, demonstrate that the marks WORLD TRADE CENTER and WTC have acquired secondary meaning, *i.e.* that customers associate these marks with a particular source, and in doing so demonstrate that the marks function as

trademarks to identify and distinguish Applicant's goods from those of others and to indicate the source of Applicant's goods.

1. Prior Registrations For Related Services Are Evidence of Distinctiveness

a. Applicant's Applied-For Goods Will Be Used in Connection With Its Related Registered Services

As demonstrated below, Applicant owns registrations for services that are related to the goods in the subject applications. Such evidence is sufficient to show both acquired distinctiveness, and relatedly that WORLD TRADE CENTER and WTC function as trademarks for the applied-for goods.

Applicant is the owner of the following registrations for the marks WORLD TRADE CENTER and WTC which are valid, subsisting, and incontestable:

Trademark	Reg. No.	Reg. Date/ Renewal Date	First Use Date	Services
WORLD TRADE CENTER	1,469,489	12/15/1987 02/19/2008	3/00/1961	42: association services -- namely, fostering and promoting world trade and international business relationships.
WTC	1,749,086	01/26/1993 03/25/2003 02/01/2013	4/17/1968	42: association services; namely, fostering and promoting world trade and international business relationships

(Richie Decl. ¶ 28, Ex. 13.)³

As part of its association services, Applicant offers the following services in connection with its marks:

- “[c]onsumer and business services such as ... shops and other facilities for supporting tenants of and visitors to WTCA member facilities”;
- “publication and distribution of books, periodicals and other literature devoted to trade issues and advice for those involved in domestic commerce and international commerce”;
- education services including conducting a “training seminar annually for its members, providing detailed information on key issues required for successful development and operation of a World Trade Center”; and
- participation in trade shows and conferences.

³ Citation to the “Richie Decl.” is to the August 9, 2012 Declaration of Scott Richie filed as Exhibit A in support of Applicant's response to the Examining Attorney's first office action in each of the applications. (See August 9, 2012 Response.)

(Richie Decl., ¶¶ 13-15, 20; Exs. 4-5).

The goods covered by Applicant's subject applications include newsletters, calendars, brochures, and pamphlets in Class 16; tote bags, briefcases, and card holders/with card compartments in Class 18; blank USB flash drives, mouse pads, and cell phone cases in Class 9; and watches, key rings and lapel pins in Class 14. All of these goods will be used in connection with or involved in the offering of various training, educational and business services already offered under Applicant's service marks. For example, Applicant already has developed brand guidelines for how the marks WORLD TRADE CENTER and WTC should appear on brochures and other presentations, covered in its Class 16 applications, in connection with its current services offered under its marks. (Richie Decl. Ex. 7, pp. 27, 36, 38.) Applicant also already offers a variety of trade publications that are covered by the goods in its Class 16 applications including the World Trade Center Handbook. (Richie Decl. ¶ 13, 14.) Applicant's description of its Class 16 goods in the subject applications also specifically reference the association and its services, namely "commemorative books and coffee table books featuring history of the World Trade Centers Association" and "directories featuring photographs and information regarding members of the World Trade Centers Association." Moreover, Applicant and/or its licensees contemplate that the shops at World Trade Center-branded member facilities are likely to offer for sale various souvenir items to visitors like the key rings in the Class 14 applications, and the mouse pads and cameras in the Class 9 applications, and participation in trade shows usually includes attendant promotional items such as tote bags in the Class 18 applications. (See Richie Decl. ¶¶ 13, 20.) The current applications for goods are merely an extension of the already registered services offered under the marks WORLD TRADE CENTER and WTC. Accordingly, Applicant's proposed goods are intricately related to, and will be used directly in connection with, the association services that are already offered in connection with the marks WORLD TRADE CENTER and WTC. This evidence clearly demonstrates that consumers will also recognize that the marks as used on goods are trademarks associated with Applicant.

b. USPTO Recognition of Relatedness of Services and Goods As Evidence of Distinctiveness

In the context of intent-to-use applications, submission of ownership of prior registrations for the same mark for related goods and/or services is evidence that the mark has become distinctive of the goods in the intent-to-use applications. *See In re Dial-A-Mattress Operating Corp.*, 240 F.3d 1341, 1347, 57 USPQ2d 1807, 1812 (Fed. Cir. 2001) (reversing refusal to register based on evidence of prior registrations); 37 C.F.R. § 2.41(b) (“ownership of one or more prior registrations on the Principal Register ... of the same mark may be accepted as prima facie evidence of distinctiveness”); TMEP § 1212.09(a)(1) (evidence of prior registrations for the same mark for related goods or services establishes that “previously created distinctiveness will transfer to the goods and services in the intent-to-use application when use in commerce begins”). Here, Applicant has demonstrated ownership of prior registrations on the Principal Register for both the marks WORLD TRADE CENTER and WTC. This is further evidence that the applied-for marks function as trademarks.

Additionally, the Board has clearly recognized that services, including association services, are related to goods involved in the offering of the services. *In re Association of the United States Army*, 85 USPQ2d 1264, 1271 (T.T.A.B. 2007) (finding that “association services” in Classes 35 and 42 are related to Class 9 software goods); *In re The Association of Chartered Certified Accountants*, 2005 WL 3175137, *6 (T.T.A.B. 2005) (finding that “association services” and goods in Classes 9 and 16 “are related in the mind of the consuming public as to origin”); *In re National Retail Hardware Association*, 219 USPQ 851, 852-53 (T.T.A.B. 1983) (finding that “association services” are related to a “monthly business magazine” as evidence showed “a number of magazines, reports, books, etc. which are sold or distributed by appellant in connection with its services” and since a monthly business magazine “might also be considered by purchasers to relate to the business aspects” of appellant’s association services); *In re Avanti*, 2004 WL 2202255, *3-4 (T.T.A.B. 2004) (finding that association services for antique cars are “commercially related” to automobiles as consumers are likely to believe “that the goods and services originated with or are somehow associated with or sponsored by the same entity”). Further, it is well-

established in the likelihood of confusion context that “confusion is likely to occur from the use of the same or similar marks for goods on the one hand, and for services involving those goods, on the other.” *In re Avanti*, 2004 WL 2202255, *3 (T.T.A.B. 2004); *see also In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 6 USPQ2d 1025 (Fed. Cir. 1988) (“general merchandise store services” related to “furniture” since services “would include the sale of furniture”).

Applicant’s submission of examples of third parties’ prior use-based registrations for the same mark for both association services and the applied-for goods, as well as evidence of use of the same mark in connection with association services and the involved goods, is further evidence of relatedness supporting a finding of distinctiveness and the ability to function as a mark. (3/14/13 Request for Reconsideration, Exs. 4-6);⁴ *See* TMEP § 1207.01(a)(vi); *In re Jack B. Binion*, 93 USPQ2d 1531 (T.T.A.B. 2009) (recognizing probative value in third party registrations in suggesting that goods or services are of a type that emanate from a single source).

Finally, Applicant has also provided evidence showing that owners and operators of other iconic buildings have obtained registrations for goods and services similar to those that Applicant has offered and will offer through its World Trade Center branded buildings. This evidence demonstrates that consumers have come to expect that these types of goods or services emanate from owners and operators of iconic buildings. (*See* 3/14/13 Request for Reconsideration, Exs. 7-8 containing copies of registrations for the marks ROCKEFELLER CENTER, CHRYSLER BUILDING and RADIO CITY MUSIC HALL.)

2. Third Party Recognition of WORLD TRADE CENTER and WTC

a. News Articles

Applicant has also provided probative evidence from a representative sampling of unsolicited media coverage that recognize and use “World Trade Center” and “WTC” as trademarks in identifying the services and goods of the World Trade Center Association. (Richie Decl. Ex. 8); *See Nike Inc. v. Maher*, 100 USPQ2d 1018, 1024 n. 12 (T.T.A.B. 2011) (recognizing “probative value of the news articles

⁴ *See also* Exhibit A attached hereto containing a chart of selected registrations from Exhibits 4-5 filed

is that they show how the authors perceive, or refer to, opposer's mark, and the exposure of the public to the mark").

- "WTCA has grown from 15 original members to more than 320 members who are licensed by WTCA to operate 'World Trade Center' branded facilities in nearly 100 countries, including the World Trade Center complex being rebuilt in lower Manhattan in New York." (Association Trends) (Richie Decl. Ex. 8, p. 3);
- "The naming of World Trade Center at City Creek enhances the visibility and branding of World Trade Center Utah within the World Trade Center Association's network of 330 global members." (UtahPulse) (*Id.*, Ex. 8, p. 4);
- "World Trade Center Could Be Coming to Pittsburgh:...After its completion, the complex would be licensed and recognized as a World Trade Center by the World Trade Center Association." (Essential Public Radio) (*Id.*, Ex. 8, p. 7);
- "Over the past decade, the show, presented by the World Trade Center Miami...has generated more than \$3.2 billion in reported sales for exhibitors and attendees." (Food and Drink) (*Id.*, Ex. 8, p. 30); and
- "The Consumer Electronics Association announced last year that it had obtained the rights to the name 'World Trade Center, Las Vegas' from the World Trade Centers Association." (AirGuideBuisness.com) (*Id.*, Ex. 8, p. 33).

b. Enforcement

Applicant's successful enforcement efforts culminating in recognition by a federal court that the marks have become famous also demonstrate that the marks WORLD TRADE CENTER and WTC function as trademarks. (Richie Decl. ¶¶ 26-27, Exs. 11-12.) Specifically, Applicant's enforcement actions include:

- Federal district court action resulting in consent judgment and permanent injunction that recognized that Applicant is the owner of enforceable service marks WORLD TRADE CENTER and WTC and that these marks have become famous (Richie Decl. Ex. 12 ¶¶ 2);
- Opposition No. 91201403 against registration of the mark "World Trade Consult, LLC Be Sure...In An Unsure World" resulting in the applicant's abandonment of its application (Richie Decl. Ex. 11 pp. 9-10);
- Opposition No. 91205109 against registration of the mark "4GWTC" which resulted in the Board sustaining the opposition and refusing registration to applicant (Richie Decl. Ex. 11 pp.

with Applicant's 3/14/13 Request for Reconsideration.

11, 18)⁵; and

- Extension of time to oppose against registration of the mark “W.T.C. 11” which resulted in the applicant expressly abandoning its application (Richie Decl. Ex. 11 pp. 19, 22-23).

These successful policing efforts--and the fact that third parties were attempting to copy Applicant's marks--demonstrates third party recognition of the ability of Applicant's marks to function as trademarks. *See In re Trek 2000 International Ltd.*, 97 USPQ2d 1106, 1112-13 (T.T.A.B. 2010) (reversing refusal to register based in part on evidence of third parties ceasing use in response to applicant's policing efforts which demonstrated third party recognition of the term as a trademark); *In re America Online Inc.*, 77 USPQ2d 1618, 1622-23, 1625 (T.T.A.B. 2006) (finding that examples of successful policing efforts showed trademark recognition by third parties); *In re Carl Walther GmbH*, (“[P]arty would only attempt to replicate another party's [mark]...if that [mark] ... is perceived by the consumers as distinctive”). *See also McCarthy on Trademarks and Unfair Competition* § 11:91 (“[A]ctive program of prosecution of infringers, resulting in elimination of others' uses of similar marks, enhances the distinctiveness and strength of a mark”).

c. Awards

Applicant has received prestigious awards for its association services offered under the marks WORLD TRADE CENTER and WTC which demonstrates both the distinctiveness of its marks and that the public recognizes Applicant for its services and related goods offered under the marks WORLD TRADE CENTER and WTC. This is further evidence that the marks WORLD TRADE CENTER and WTC have a significance separate and apart from the tragic events of September 11, contrary to the Examining Attorney's refusal. (Richie Decl., ¶ 24, Ex. 9.) Among the accolades received by Applicant, all of which are subsequent to September 11, 2001, are:

- 2011 Trade Promotion Award received from New York City for Applicant's “dedication, commitment, and significant contributions, which have influenced the growth of trade in the New York region” (Richie Decl. Ex. 9, p. 2);

⁵ Applicant requests that the Board take judicial notice of its order issued on August 29, 2012 in Opposition No. 91205109.

- 2002 commendation from President George W. Bush for Applicant's dedication to "enhanc[ing] trade, encourag[ing] economic development, and foster[ing] peace" and recognizing the success of Applicant's "300 centers servicing 750,000 businesses in 91 countries on six continents" (Richie Decl. Ex. 9, p. 7);
- 2007 award from the City of New Orleans for Applicant's "support and commitment to the people of the City of New Orleans" (Richie Decl. Ex. 9, p. 1); and
- Recognition by USA Today for Applicant's "commitment to the development and promotion of international trade and industrializing nations" (Richie Decl. Ex. 9, p. 6).

Such evidence clearly demonstrates that the marks WORLD TRADE CENTER and WTC are capable of functioning as trademarks. *See In re SRO Management LLC*, 72 USPQ2d 1060, 1061-62 (T.T.A.B. 2004) (reversing refusal to register where receipt of awards from two major national publications coupled with other evidence established that mark had become distinctive of applicant's services); *In re Creative Beauty Innovations Inc.*, 56 USPQ2d 1203, 1207-08 (T.T.A.B. 2000) (reversing failure to function refusal and finding that evidence of awards for the mark helped establish inherent distinctiveness).

3. Customer Affidavits

Applicant submitted eleven detailed declarations from licensees and other customers attesting to their recognition of the marks WORLD TRADE CENTER and WTC as indicators of the source of the goods and services offered by Applicant. The Examining Attorney gave this evidence a cursory review, labeling the declarations "self-serving" on the basis that many of the declarations were submitted by members of Applicant's association. However, the Examining Attorney failed to recognize that these members are in fact *customers of Applicant*, many of whom pay to *license* the right to use the marks WORLD TRADE CENTER and WTC from Applicant, in connection with the services and goods provided by the WTCA (such as trade research services, exhibition services, education services and trade missions, to assist in their mutual goal of trade expansion). (Richie Decl. ¶¶ 3, 8, 9, 11, 13; Ex. 4.) Accordingly, these declarations are evidence of how the relevant purchasing public views the marks. *See In re Ovation Instruments, Inc.*, 201 USPQ 116, 123 (T.T.A.B. 1978) ("affidavits by musicians and musical instrument sales personnel proffered by the applicant...support the conclusion that the bowl

shaped design performs a trademark function”).

The Examining Attorney’s criticism of this evidence as “self-serving” has previously been rejected by the Court of Customs and Patent Appeals and the Board as an inadequate basis to fail to accord affidavits or declarations appropriate probative value. *In re Schenectady Varnish Co.*, 280 F.2d 169, 171, 126 USPQ 395, 397 (CCPA 1960) (stating that although the companies that submitted affidavits “all have a business relationship with appellant...there is no reason for us to believe that the officers of those companies failed to tell the truth in order to help appellant prove its case”); *In re Black & Decker Corp.*, 81 USPQ2d 1841, 1844 (T.T.A.B. 2006) (rejecting examining attorney’s assessment that the eight retailer declarations were biased and entitled to little weight as “[t]here is simply no evidence to suggest that these retailers were predisposed to say that applicant’s goods are identified by the octagonal key head design”); *In re National Council for Therapeutic Recreation Certification, Inc.*, 2006 WL 2850881, *16 (T.T.A.B. 2006) (declaring the Board was “not persuaded to accord these declarations little probative value because [declarants] may be said to be ‘affiliated’ with applicant”); *In re Petersen Manufacturing Co.*, 229 USPQ 466, 468 (T.T.A.B. 1986) (finding “nothing in the record to contradict these declarations and nothing to indicate that the statements made in the declarations are anything other than the honest convictions of the declarants”); *In re Keeper Chemical Corporation*, 177 USPQ 771, 773 (T.T.A.B. 1973) (reversing examining attorney’s failure to function refusal and finding “examiner’s view of these affidavits is not well taken because affidavits submitted in an ex parte application must, of necessity, be self-serving”); *In re Ovation Instruments*, 201 USPQ at 120 (finding that while affidavits were from entertainers and music sales individuals who had a business relationship with applicant, “there is no reason to believe that these individuals failed to tell their true reaction to the mark”); *In re Omni Spectra, Inc.*, 143 USPQ 458, 460 (T.T.A.B. 1964) (finding “no reason to suppose that the said statements represent anything other than the honest convictions of the signers thereof . . . and they are therefore considered to be prima facie sufficient to show that the applicant’s design does in fact function as a trademark for its goods”).

As the following excerpts from the declarations clearly establish, Applicant's licensees and other customers recognize the marks WORLD TRADE CENTER and WTC as indicators of the source of Applicant's services and goods:

- "I am familiar with the purpose of the WTCA and its members, which is to promote international trade through the goods and services they provide under the WORLD TRADE CENTER and WTC marks. Therefore, when I see the marks WORLD TRADE CENTER and WTC in and around Washington, DC or in other cities around the country, or even in third party literature and articles, I associate these marks with WTCA and its licensed members..." (Executive Director of the Washington International Trade Association);
- "[T]he World Trade Center branded facility in Salt Lake City, Utah is the beautiful 28-story World Trade Center Utah building at the City Creek Center....Zions Bank...have promoted World Trade Center Utah in connection with its activities, goods and services within our region..." (President and CEO of Zions First National Bank);
- "PortMiami has used the services, benefits, and resources offered by WTCA through its member World Trade Center Miami....When I see the marks WORLD TRADE CENTER and WTC, I identify these marks with WTCA. I recognize WTCA as the source of the WORLD TRADE CENTER and WTC marks." (Director of PortMiami); and
- "I recognize WTCA as the source of the WORLD TRADE CENTER and WTC marks, from which originate the branded goods and services provided by WTCA and its license members such as World Trade Center Boston, World Trade Center Washington, D.C., and World Trade Center Dublin. For me, the marks WTC and WORLD TRADE CENTER call to mind the branded goods and services offered by WTCA and its commitment to building a global marketplace for international trade." (Chairman of World Trade Center Boston and President of Drew Company, Inc.)

(Richie Decl. Ex. 10.)

Moreover, both the Court of Custom and Patent Appeals and the Board have found these types of declarations sufficient to overcome refusals to register, including refusals for failure to function as a trademark. *In re Data Packaging Corp.*, 453 F.2d 1300, 1304, 172 U.S.P.Q. 396, 399 (C.C.P.A. 1972) (reversing failure to function as a trademark refusal finding the submitted affidavits persuasive that proposed mark "recognized in the industry as indicative of source or origin" and "sufficien[t] to make out a prima facie case of trademark recognition"); *In re Black & Decker*, 81 USPQ2d at 1844 (finding retailer and customer declarations to be "competent evidence of consumer recognition of the [proposed mark] as a trademark"); *In re Petersen Manufacturing Co.*, 229 USPQ 466, 468 (T.T.A.B. 1986) (reversing failure to function as a trademark refusal finding "declarations are of sufficient probative value to justify allowance

of applicant's applications"); *In re The AFA Corporation*, 196 USPQ 772, 775 (T.T.A.B. 1977) (finding affidavits to constitute evidence that applicant had succeeded in developing recognition of proposed mark as a trademark).

4. Licensing of the Marks WORLD TRADE CENTER and WTC

Applicant assesses a substantial initial membership fee and annual fees to its members which includes a license to use the marks WORLD TRADE CENTER and WTC. (Richie Decl. ¶¶ 9, 11.) Applicant currently has 53 licensees in 52 cities in the United States that pay money to Applicant for the right to use the marks WORLD TRADE CENTER and WTC. (Richie Decl. Ex. 3, ¶ 11.) Applicant's licensees have themselves attested to the value of these marks, and that they function as trademarks, in declaring that the ability to secure a license to use the marks WORLD TRADE CENTER and WTC factored into their decision to become a member of the WTCA. (Richie Decl. Ex. 10 p. 1 ¶¶ 2-3, p. 2 ¶¶ 2-3, p. 3 ¶¶ 2-3, p. 4 ¶¶ 2-3, p. 6 ¶¶ 3-4, p. 7 ¶¶ 2-3, p. 8 ¶¶ 2-3, p. 10 ¶¶ 2-3.) Applicant's licensees also declared that they "identify" the marks WORLD TRADE CENTER and WTC with WTCA, and that they "recognized WTCA as the source of the WORLD TRADE CENTER and WTC marks, from which originate the branded goods and services provided by the WTCA..." (Richie Decl. Ex. 10 p. 1 ¶ 4, p. 2 ¶ 4, p. 3 ¶ 4, p. 4 ¶ 4, p. 6 ¶ 5, p. 7 ¶ 4, p. 8 ¶ 4, p. 10 ¶ 4.)

This evidence of licensing in the record further supports the distinctiveness of Applicant's marks WORLD TRADE CENTER and WTC and that these marks function as trademarks. *See In re America Online*, 77 USPQ2d at 1621, 1625 (reversing refusal to register and finding that evidence of licensing the term to many corporations to use the services identified by the mark was evidence of distinctiveness); *In re Carl Walther*, 2010 WL 4502071, *6 (finding the fact that the mark has been "sought after and licensed...has been recognized as one type of evidence that helps establish that a ... mark has become distinctive"); *In re Robin Sullivan*, 2005 WL 2034532, *2-3 (T.T.A.B. 2005) (evidence of license to use the mark supported finding of distinctiveness).

5. Sales and Advertising Figures

Applicant has also submitted evidence of significant sales of goods and services rendered under the marks WORLD TRADE CENTER and WTC, and of a substantial investment in the advertising and marketing in support of the goods and services offered under the WORLD TRADE CENTER and WTC marks which demonstrates acquired distinctiveness and that the marks function as trademarks. (Richie Decl. ¶¶ 16-22.) Since 2007 Applicant has sold goods and rendered services in numerous locations across the United States under the marks WORLD TRADE CENTER and WTC resulting in a total gross revenue to Applicant of over \$24 million. (Richie Decl. ¶ 17, ¶ 9 Ex. 3.) Additionally, financial information of just four of Applicant's 53 licensees showed combined revenues in excess of \$5.3 million generated as a result of the licensees' WORLD TRADE CENTER and WTC branded activities in just the last fiscal year. (Richie Decl. ¶ 21.)

Sales of this magnitude have been recognized by the Board as evidence establishing acquired distinctiveness, and the ability to function as a trademark. *In re Uncle Sam Chemical Co., Inc.*, 229 USPQ 233, 235 (T.T.A.B. 1986) (long term use combined with "evidence of considerable sales of products sold under the mark is sufficient to support a claim of acquired distinctiveness"); *Certified Printers, Inc. v. Crouser & Associates, Inc.*, 2008 WL 5454158, *6 (T.T.A.B. 2008) (finding revenues approaching \$1 million per year helped convince Board that mark had acquired distinctiveness); *In re Steelbuilding.com, Inc.*, 2008 WL 5256395, *4-5 (T.T.A.B. 2008) (finding that evidence of millions of dollars in annual sales "demonstrates that the term has become distinctive of applicant's services"); *In re The Kygen Company*, 2012 WL 1424429, *6-7 (T.T.A.B. 2012) ("[S]ales in all fifty states" and "over a million dollars of revenue" was evidence of acquired distinctiveness). *See also McCarthy on Trademarks and Unfair Competition* § 15:49 ("The larger a company and the greater its sales, the greater the number of people who have been exposed to this symbol used as a trademark, and the greater the number of people who may associate this symbol with a company or source with which they should be familiarized").

For the time period of January 2007-June 2012, Applicant spent in excess of \$750,000 in the United States in advertising and promoting goods and services bearing the marks WORLD TRADE CENTER and WTC. (Richie Decl. ¶ 18.) Additionally, over the past 10 years, Applicant spent on average \$1.95 million per year for advertising, promoting and rendering services in connection with its marks, including the marks WORLD TRADE CENTER and WTC, on an international scale. (Richie Decl. ¶ 19.) In addition, financial information from only four of Applicant's 53 licensees in the United States showed that the licensees spent a total of \$3.3 million in the last fiscal year to advertise, promote and sponsor WORLD TRADE CENTER and WTC branded programs, (Richie Decl. ¶ 21.), all of which inures to the benefit of Applicant as the owner of the marks. Applicant also promotes its goods and services using its marks WORLD TRADE CENTER and WTC through its website at www.wtcaonline.com which received over 275,000 hits in 2011. (Richie Decl. ¶ 23.)

This level of promotional activity also supports a finding of acquired distinctiveness, and accordingly demonstrates the ability of a mark to function as a trademark. *Yamaha Int'l Corp. v. Hoshino Gaki, Co. Ltd.*, 840 F.2d 1572, 1583, 6 U.S.P.Q.2d 1001 (Fed. Cir. 1988) (evidence of substantial sales and promotion helped establish that mark had "acquired the requisite secondary meaning for registration"); *In re Callaway Golf Co.*, 2001 WL 902004, *8 (T.T.A.B. 2001) (evidence including advertising expenditures in excess of \$2.5 million established acquired distinctiveness); *In re Carl Walther*, 2010 WL 4502071, *6 (\$920,000 investment in advertising over three year period helped establish "prima facie case" of acquired distinctiveness); *In re Steelbuilding.com*, 2008 WL 5256395, *4-5 (evidence of promotional expenditures approaching \$1 million per year "demonstrates that the term has become distinctive of applicant's services").

III. Conclusion

Under all circumstances, the refusal of registration of Applicant's marks WORLD TRADE CENTER and WTC based on the failure to function as trademarks is unsupported by case law and facts and does not take into consideration all the evidence in the record to determine whether the applied-for

marks WORLD TRADE CENTER and WTC do function as trademarks. It is clear that the record contains evidence supporting distinctiveness and/or acquired distinctiveness sufficient to support the determination that the applied-for marks can function as source identifiers for the applied-for goods. The Board is urged to review all of the supporting papers in the record of these applications, and to reverse the refusal of registration.

Respectfully submitted,

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**


In re Trademark Applications of)	William G. Breckenfeld, Esq.
World Trade Centers Association, Inc.)	Trademark Attorney
)	
Serial Nos.: 85/527,029 (WTC, Cl. 9))	Trademark Law Office 116
85/527,119 (WTC, Cl. 14))	
85/473,617 (WTC, Cl. 16))	
85/473,613 (WTC, Cl. 18))	
85/527,008 (WORLD TRADE CENTER, Cl. 9))	
85/527,100 (WORLD TRADE CENTER, Cl. 14))	
85/474,746 (WORLD TRADE CENTER, Cl. 16))	
85/474,748 (WORLD TRADE CENTER, Cl. 18))	

EXHIBIT A

EXHIBIT A

OWNER	MARK	REG. NO.	REG. DATE	GOODS AND SERVICES
United Way Worldwide	UNITED WAY 	2979702	07/26/05	35 – association services , namely promoting the interests of member organizations engaged in charitable fund raising for health and human services agencies
United Way Worldwide	UNITED WAY 	2968681	07/12/05	35 – association services , namely promoting the interests of member organizations engaged in charitable fund raising for health and human services agencies
United Way Worldwide	UNITED WAY 	3252249	06/12/07	9 - pre-recorded videotapes featuring movies and film mount slides, thermometers, plastic graduated rulers, plastic clips with a magnetic back for holding papers and memos
United Way Worldwide	UNITED WAY 	3159962	10/17/06	16 - paper goods, namely stationery, namely letter-head type paper and embossed or engraved envelopes, printed award certificates, posters, note cards, stickers, printed paper signs and advertising signs of paper or cardboard, business forms; pens and pen sets, comprising a pen and pencil, desk organizers comprising paper clip, pencil caddy and paper holder; letter openers
United Way Worldwide	UNITED WAY 	3146376	09/19/06	18 – tote bags, backpacks
United States Tennis Association Inc.	USTA	2819936	03/02/04	35 - association services , namely, offering incentives to and promoting the interests of tennis enthusiasts; promoting the sport of tennis, namely by arranging for sponsors to affiliate their goods and services with tennis 41 – organizing and conducting tennis tournaments; sponsoring tennis clinics and workshops
United States Tennis Association Inc.	USTA	2817492	02/24/04	9 – pre-recorded video cassettes in the field of tennis

OWNER	MARK	REG. NO.	REG. DATE	GOODS AND SERVICES
United States Tennis Association Inc.	USTA	2817418	02/24/04	16 – books, periodicals, and magazines about tennis
National Council of Young Men's Christian Associations of the United States of America	THE Y YMCA 	3914925	02/01/11	35 - charitable services, namely, organizing and conducting volunteer programs and community service projects; association services , namely, promoting the interests of organizations concerned with the promotion of health and well-being of individuals
National Council of Young Men's Christian Associations of the United States of America	THE Y YMCA 	3917712	02/08/11	41 - educational and entertainment services, namely, conducting classes, seminars, conferences and workshops in the fields of physical and mental health and fitness and spiritual development; organizing sporting and cultural events
National Council of Young Men's Christian Associations of the United States of America	THE Y YMCA 	3948504	04/19/11	14 – cufflinks; jewelry; medals; pins; tie pins; watches
National Council of Young Men's Christian Associations of the United States of America	THE Y YMCA 	3929392	03/08/11	16 - publications and printed materials, namely, handouts, calendars, newsletters, books, manuals, pamphlets, magazines, posters, and postcards in the fields of promoting, developing, and sustaining the health and well-being of individuals, families and communities, volunteer services and community programs; desk sets; pencils; pens; drawing rulers

OWNER	MARK	REG. NO.	REG. DATE	GOODS AND SERVICES
National Council of Young Men's Christian Associations of the United States of America	THE Y YMCA 	3948503	04/19/11	18 – all-purpose carrying bags; backpacks; book bags; handbags; sport bags; tote bags; umbrellas
Rotary International	ROTARY CLUB	2415983	12/26/00	42 - licensing of intellectual property; promoting public awareness of the need for cultural, humanitarian and educational exchange programs; association services , namely, promoting the ideals of the Rotary clubs and promoting and coordinating the interests of Rotary clubs through service in the community, in the workplace, and throughout the world by building goodwill and peace, promoting international understanding, providing humanitarian service and encouraging high ethical standards in personal and professional life; vocational guidance
Rotary International	ROTARY CLUB	2342747	4/18/2000	14 - jewelry, namely, badges of precious metal, lapel pins, medals, miniature medals, medallions, earrings, necklaces, chains, bracelets, brooches, cuff links, tie tacks, tie clips, rings, belts buckles of precious metal, for clothing, cups of precious metal
Rotary International	ROTARY CLUB	2298254	12/7/1999	16 - printed matter, namely, magazines, newsletters, books, pamphlets, brochures, catalogs, instructional materials, booklets, manuals and handbooks all in the fields of humanitarian services and association services, stationery, envelopes, stickers, folders, loose leaf binders, printed forms, geographical maps, graphic prints, greeting cards, posters, calendars, printed award certificates, playing cards, letter openers, book marks, paperweights, pens, pencils, pen cases, desk sets, albums, namely, photo, address, appointment, calling card, memory books, term books, scrapbooks, notebooks, general purpose plastic bags, bookends, paper table napkins, paper place mats, paper table linens, and memberships directories

OWNER	MARK	REG. NO.	REG. DATE	GOODS AND SERVICES
Girl Scouts of the United States of America	GIRL SCOUTS and Design  Girl Scouts	1318643	02/05/85	41 - educational Services-Namely, Conducting Programs and Activities for Girls and Young Women to Promote Social, Physical and Intellectual Growth and Development
Girl Scouts of the United States of America	GIRL SCOUTS and Design  girl scouts	4200117	08/28/12	16 – stationery, namely, pens and pencils
Girl Scouts of the United States of America	GIRL SCOUTS and Design  Girl Scouts	1172203	10/06/81	16 – printed posters and adhesive paper identification disks
Girl Scouts of the United States of America	GIRL SCOUTS and Design  girl scouts	4085279	01/10/12	18 – tote bags; 25 – clothing, namely, shirts, tee-shirts, and sweatshirts; 41 – educational services, namely, conducting programs and activities for girls to promote social, physical and intellectual growth and development
Boy Scouts of America	BOY SCOUTS OF AMERICA	1363872	10/01/85	To indicate membership in an organization for young men
Boy Scouts of America	BOY SCOUTS OF AMERICA	1725084	10/20/92	8 – pocket knives, utility knives and lock back knives; 11 (cancelled) - [flint and steel fire-making set consisting of tinder, flint, steel bar and instructions]; 14 - jewelry; namely, rings and pins; 16 - stationery, activity books and manuals, concerning outdoor activities, crafts, and requirement of applicant's organization, decals, desk sets with pen and pen holder, pen and pencil sets, printed certificates; 20 - [hand-held mirrors,] plaques; 21 - non-electric toothbrush, [soap holder caddy,] and mugs; 24 (cancelled) - [pennants, not of paper]; 28 (cancelled) - [balloons]